

REMARKS**Summary of the Office Action**

Claims 8-10 and 15-17 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite.

Claims 1-7, 11-14 and 18-30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by EP 938 091 to Hashimoto et al. (hereinafter "Hashimoto").

Summary of the Response to the Office Action

Applicants have amended claims 1, 5, 12, 19, 22, 25, 27, 28 and 30 to differently describe embodiments of the invention and to improve the form of the claims. Moreover, claims 4, 8-11, 15-18, 20-21, 23-24, 26 and 29 are cancelled without prejudice or disclaimer. Accordingly, claims 1-3, 5-7, 12-14, 19, 22, 25, 27-28 and 30 remain pending for consideration.

Rejection under 35 U.S.C. § 112, Second Paragraph

Claims 8-10 and 15-17 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Claims 8-10 and 15-17 have been cancelled without prejudice or disclaimer, rendering these rejections moot. To the extent that features from any of these cancelled claims have been added to any of the amended claims, Applicants respectfully submit that the language has been modified in an attempt to avoid any indefinite issues in accordance with the Examiner's comments.

For example, language describing features of original claims 8-10 has been modified and added to newly-amended independent claim 5. Also, language describing features of original claims 15-17 has been modified and added to newly-amended independent claim 12. Applicants respectfully submit that in embodiments of the present invention, it is a precondition that an

inputted signal is scrambled. Such a feature is clearly described in the preamble of independent claim 12. Moreover, the preamble of independent claim 5 is newly-amended to describe this feature. Accordingly, Applicants respectfully submit that the currently pending claims fully comply with 35 U.S.C. § 112, second paragraph. As a result, withdrawal of the rejections under 35 U.S.C. § 112, second paragraph is respectfully requested.

Rejection under 35 U.S.C. § 102(b)

Claims 1-7, 11-14 and 18-30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hashimoto. The Office Action thus asserts that all of the limitations of each of independent claims 1, 5, 12, 19, 22, 25 and 28 are disclosed at col. 8, line 14 – col. 9, line 1 of Hashimoto. Applicants have amended each of independent claims 1, 5, 12, 19, 22, 25 and 28 to differently describe embodiments of the invention.

For example, language describing features of original claims 8-11 has been modified and added to newly-amended independent claim 5. Also, language describing features of original claims 15-18 has been modified and added to newly-amended independent claim 12. Language describing features of original claims 20-21 has been modified and added to newly-amended independent claim 19. Language describing features of original claims 23-24 has been modified and added to newly-amended independent claim 22. Language describing features of original claim 26 has been modified and added to newly-amended independent claim 25. Also, language describing features of original claim 29 has been modified and added to newly-amended independent claim 28. Also, language regarding features associated with a recording method and reproducing method has been modified and added to newly-amended independent claim 1. To the extent that these rejections might still be deemed to apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

Applicants respectfully submit that Hashimoto discloses copy control information indicating "free", "once", and "prohibited". Further, Hashimoto goes on to disclose an encryption mode indicator (EMI) indicating: mode A for copy-prohibited data, mode B for copy once data, and free for non-encrypted copy free contents data.

However, Applicants respectfully submit that in Hashimoto, a common EMI is used in both the reproduction mode and the recording mode. See, for example, Figs. 5 and 11 of Hashimoto, and their corresponding explanations in the description. Applicants note that Hashimoto utilizes such a common EMI because its disclosed system is of a simple nature in that all devices are connected serially as illustrated and described with regard to Fig. 1.

In contrast, Applicants respectfully submit that the arrangements of embodiments of the disclosure of the instant application are very complex, especially as compared to the disclosure of Hashimoto. See, for example, Fig. 1 of the instant application, which includes a wide variety of possible system paths. More particularly, Applicants respectfully submit that, in embodiments of the instant application, to prevent contents from being illegally copied and reproduced, descramble systems in a reproducing apparatus are different from those in a recording apparatus.

Even further, scramble systems in a reproducing apparatus are different from those in a recording apparatus. As a result, Applicants respectfully submit that it is possible to set proper combinations of scramble systems and copy control information, respectively, in each of a recording apparatus and a reproducing apparatus. By this configuration, it is possible to prevent the contents from being illegally copied and reproduced in a way that is neither shown nor suggested by Hashimoto's disclosure.

For example, assuming that a scramble system for copy control information of the "no more copy" type is set as a type "B" in all apparatuses, Applicants respectfully submit that it is

impossible to prevent the contents of a recording medium 75 described in Fig. 1 of the instant application from being reproduced. If a medium 71 has copy control information of the "no more" type and is scrambled by the type "B", a reproduction apparatus 3 outputs the contents of the medium 71 with copy control information of the "no more" type and scrambled type "B." See, for example, path E1 in Fig. 1 of the instant application.

Applicants respectfully submit that a recording apparatus 4 does not record the contents on a recording medium 73. On the other hand, if an unauthorized reproducing apparatus 6 reads the contents of the medium 71 with copy control information of the "no more" type and scrambled type "B" (path B2) and outputs the contents to an unauthorized recording apparatus 7, see, for example, path F2 in Fig. 1 of the instant application, the unauthorized recording apparatus 7 illegally records the contents on the recording medium 75 with copy control information of the "no more" type and scrambled type "B." Therefore, Applicants respectfully submit that the contents of the recording medium 75 can be reproduced by the reproduction apparatus 3.

However, in embodiments of the disclosure of the instant application, Applicants respectfully submit that the recording apparatus 2 and the recording apparatus 4 have a scramble system of type "B". Then, the reproducing apparatus 3 has a scramble system of type "D" for "no more" and a descramble system for the scramble system type "B". Therefore, the contents of the medium 71 with copy control information of the "no more" type and scramble type "B" are descrambled by the reproducing apparatus 3. Further, the reproducing apparatus 3 scrambles the descrambled contents by type "D".

However, Applicants respectfully submit that the recording apparatus 4 does not have the descramble system of type "D," and the contents outputted from the reproducing apparatus 3 is

not recorded on the recording medium 73. On the other hand, the unauthorized reproduction apparatus 6 reads the contents of the recording medium 71 (path B2 in Fig. 1 of the instant application), and outputs the contents with illegally rewritten copy control information "once" and scrambled type "D" (path F2). Then, the unauthorized recording apparatus 4 forcefully records the contents with copy control information "once" and scrambled type "D". However, since the reproducing apparatus 3 does not have the descramble system for the scramble system type "D," Applicants respectfully submit that the illegally copied contents of the recording medium 75 cannot be reproduced by the reproducing apparatus 3.

Independent claim 1, as newly-amended, recites a copyright protecting method including "a descramble system applying step of applying descramble systems to the inputted information signal; and a scramble system applying step of applying a scramble system to the descrambled information signal and producing a scrambled output when a combination of the discriminated type of the scramble system and the discriminated type of the copy control information coincides with that included in a selected condition, wherein the selected condition includes combinations of a plurality of types of scramble systems applicable to the information signal and a plurality of types of the copy control information to eliminate copying of the information signal via an unauthorized path, the copy control information including first copy control information indicating permission to copy the information signal only once and second copy control information indicating prohibition of copying the information signal after the information signal is copied once, wherein the descramble system applying step applies two types of the descramble systems only to a scramble system of the information signal with the first copy control information and a scramble system of the information signal with the second copy control information, wherein in the recording process, the scramble system applying step applies only

one scramble system to the descrambled information signal, and the only one scramble system is a scramble system which is applied to the case where recording information with the second copy control information is recorded onto the recording medium, wherein, in the reproducing process, the scramble system applying step applies three different kinds of scramble systems to the information with the first copy control information recorded on the recording medium, to the information with the second copy information recorded on the recording medium, and to the information signal with the first copy control information outputted from a receiving apparatus, and wherein the scramble system in the recording process is different from that in the reproducing process, and descramble system in the recording process is different from that in the reproducing process.”

Accordingly, Applicants respectfully submit that Hashimoto does not teach or suggest each of the features recited in the combination of newly-amended independent claim 1. Moreover, newly-amended independent claims 5, 12, 19, 22, 25 and 28 are also not anticipated by Hashimoto for similar reasons as independent claim 1. Even further, Applicants respectfully submit that Hashimoto merely discloses a way to prohibit contents from being illegally recorded, without teaching or suggesting, to any extent, features relating to the prohibition of reproducing of illegally copied contents, in the manner recited in each of independent claims 25 and 28, for example.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 102(b) should be withdrawn because Hashimoto does not teach or suggest each feature of independent claims 1, 5, 12, 19, 22, 25 and 28, as amended. As pointed out in MPEP § 2131, “[t]o anticipate a claim, the reference must teach every element of the claim.” Thus, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or

inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Furthermore, Applicants respectfully assert that dependent claims 2-3, 6-7, 13-14, 27 and 30 are allowable at least because of their dependence from their respective independent claims, as amended, and the reasons set forth above.

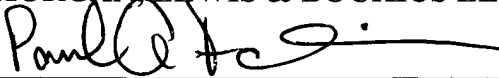
CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the timely allowance of this application. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



By:

Paul A. Fournier

Reg. No. 41,023

Dated: May 2, 2005

CUSTOMER NO. 009629

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Tel: 202-739-3000

Fax: 202-739-3001

IN THE DRAWINGS:

Attached is a Submission of Replacement Drawing Sheets including a change to Fig. 6. These Replacement Drawing Sheets, which include all of the Figs. 1-7 in this application, replace the previously-filed drawing sheets. In these Replacement Drawing Sheets, Fig. 6 has been amended to invert the direction of the following arrows: 1) the arrow between PICKUP 31 and RF AMPLIFIER 34; 2) the arrow between RF AMPLIFIER 34 and SIGNAL PROCESSING CIRCUIT 35; 3) the arrow between SIGNAL PROCESSING CIRCUIT 35 and DESCRAMBLE CIRCUIT 36; and 4) the arrow between DESCRAMBLE CIRCUIT 36 and SCRAMBLE CIRCUIT 39. These changes are made to render the drawings consistent with the description in the specification as originally filed.